

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FREDERIC LEPPER

Petitioner,

v.

LOIS RUSSO,

Respondent.

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Civil Action No. 04-11879-MLW

**RESPONDENT'S MOTION TO ENLARGE THE TIME  
FOR FILING A MEMORANDUM ON EXHAUSTION**

From the current deadline of August 3, 2007, the respondent, Lois Russo, Superintendent of Souza-Baronowski Correctional Center at Shirley, Massachusetts, through counsel, respectfully moves this Court to enlarge the time in which to file a memorandum on exhaustion in the above-captioned case to August 17, 2007.

As grounds therefor, the respondent's attorney states that she needs additional time to draft the memorandum due to conflicting litigation deadlines. Last week, the undersigned attorney had hearings in two major habeas cases, Patnod v. Nolan and Wright v. Marshall, and filed a dispositive motion and supporting memorandum of law in Pagan v. Spencer. Tomorrow the respondent's counsel is appearing in the United States Court of Appeals for the First Circuit to argue the respondent's case in a habeas appeal, Derosier v. Bissonnette.

In addition respondent's counsel will undergo laser eye surgery for a pre-glaucoma condition on August 6, 2007, and cannot predict with any certainty the recovery period for this procedure but anticipates that it will only be a matter of days.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing a memorandum in opposition to the petition to August 17, 2007.

Respectfully submitted,

MARTHA COAKLEY  
ATTORNEY GENERAL

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General  
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**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she conferred with petitioner's counsel and attempted in good faith to resolve the issue.

/s/ Annette C. Benedetto  
Annette C. Benedetto  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

July 30, 2007

/s/ Annette C. Benedetto  
Annette C. Benedetto